

REMARKS

Applicant acknowledges receipt of the priority papers submitted under 35 USC 119(a)-(d), which have been placed of record in the file.

The Examiner has apparently misunderstood applicants explanation of Figure 3 in the background of the invention presented for purpose of comparison to better illustrate the invention. However, Figure 3 is not prior art and the assumption of the Examiner in this regard is incorrect. Applicant has made no statement in the description admitting Fig. 3 to be Prior Art. Instead, Figure 3 represents applicants internal development of a metallic tubular hose which was never commercialized. Its drawbacks are used herein as a comparative example for purposes of explanation. This does not mean that figure 3 is prior art and the Examiner should not have made this assumption. The same is true for Figs. 4A and 5B. Accordingly, the request of the Examiner that Figs. 3 and 4 (A)-5(B) be designated with the legend PRIOR ART, should be withdrawn.

The rejection of claims 1-5 and 8-13 under 35 USC 103(a) as being unpatentable based upon the teaching in Fig. 3 of applicant in view of Katayama et al (USP 6,631,741) is respectfully traversed.

As explained above, Fig. 3 is not prior art. Accordingly, the rejection of claims 1-5 and 8-13 based upon Figure 3 is improper and should be withdrawn.

Furthermore, applicant also wishes to point out that the reference Katayama et al (USP 6,631,741) does not teach a metallic tubular hose having a corrugated bellows portion and a restricted portion and accordingly is not appropriate to a rejection of the claims in the subject application which are limited to a metallic tubular hose constructed with a corrugated bellows portion and a restricted portion.

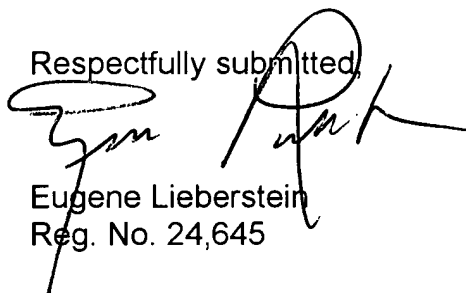
Claims 2-12 are dependent claims, which depend from claim 1 and are therefore believed to be patentable for the same reasons as given above.

It should be noted that claim 5 has been amended to depend from claim 1, thereby providing antecedent basis in claim 7 for the inner layer. This overcomes the rejection of claim 7 under 35 USC 112, second paragraph, as being indefinite. Accordingly, the rejection of claim 7 under 35 USC 112, should be withdrawn.

Claim 13 has been cancelled. This should overcome the issue of "double patenting" which the Examiner raised as a possibility on page 3 of the Official Action.

Reconsideration and allowance of claims 1-12 is respectfully solicited.

Respectfully submitted,



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MAILING CERTIFICATE

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 14, 2005.



Date: March 14, 2005

IN THE DRAWINGS

Attached hereto are corrected drawings of Fig. 2 and Figs. 4 and 5, with each of the respective figures relabeled to provide unique figure numbers.